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ABSTRACT

Educational quality is being harmed by the deterioration of order in public schools, but public concern and appropriate leadership can improve the situation. Because learning depends on good discipline, all contributors to and beneficiaries of education--students, teachers, and taxpayers--suffer when discipline is lacking: students and teachers as the direct victims of crimes committed in schools, and taxpayers as the indirect victims. Minority students are doubly affected by disruptive school environments because they are more likely than whites to be victims of attack and more certain to have learning disrupted. However, case-study research has shown that schools can reverse the trend toward disorder through motivated staff and leaders who enforce consistent, rigorous student disciplinary codes. Case studies also show that schools that do little to improve disruption may be prevented from doing so by fear of public opinion or by complex legal procedures. Unless the public demands action, schools will remain unruly. The Departments of Education and Justice are undertaking to restore authority and disciplinary codes in schools; more importantly, President Reagan has raised the issue and called for action. (JW)

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MEMORANDUM FOR THE CABINET COUNCIL ON HUMAN RESOURCES

FROM: CCHR WORKING GROUP ON SCHOOL VIOLENCE/DISCIPLINE

SUBJECT: Disorder in our Public Schools

> "Today there is an increasing rebellion against this concept of order. Simply obeying whim or impulse, no matter how attractive it seems at the moment, doesn't really make for freedom as we have been told; it makes for anarchy in society and in our souls."
> --Governor Ronald Reagan, at Marlborough College Preparatory Schools for Girls; June 6, 1974

> "American schools don't need vast new sums of money as much as they need a few fundamental reforms... First, we need to restore good, old fashioned discipline. In too many schools across the land, teachers can't teach because they lack the authority to make students take tests, hand in homework, or even quiet down their class. In some schools, teachers suffer verbal and physical abuse. I can't say it too forcefully: This must stop."
> --Ronald Reagan, at the National Forum on Excellence in Education, Indianapolis, Indiana; December 8, 1983

INTRODUCTION

The Commission on Educational Excellence has focused long overdue concern on the quality of American education. To date, most of the proposals for addressing that concern have focused on higher salaries, more elaborate plant and equipment, new and expensive "educational initiatives." Whatever their merits as incremental improvements, however, it is now clear that they will not suffice to attain excellence. As James Coleman concludes in his recent book, High School Achievement:

> "When study of the effects of school characteristics on achievement began on a broad scale in the 1960's, those characteristics that were most studied were the traditional ones[:] per pupil expenditures as an overall measure of resources, laboratory facilities, libraries, recency of textbooks, and breadth of course

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> offerings. These characteristics showed little or no consistent relation to achievement... characteristics of schools that are currently found to be related to achievement, in this study and others ... can be broadly divided into two areas: academic demands and discipline.

There is general agreement with Coleman's view of the importance of an orderly environment to learning:

- The Excellence Commission found that improved discipline is a prerequisite for improving our nation's schools.
- A bi-partisan merit pay task force in the U.S. House of Representatives cited improved discipline as essential to upgrading the quality of teachers and teaching.
- A forum of leaders of diverse educational organizations united in defining safe schools and discipline codes as "prerequisities" for maintaining teacher effectiveness.
- A number of other major critiques of American education have followed the Excellence Commission report in emphasizing that orderly and safe schools are requirements for effective education.

This widespread recognition of the importance of discipline to learning may not, at first blush, appear particularly insightful. What may not be fully understood, however, is the extent to which the disorder in America's public schools now transcends the routine difficulties of focusing a child's attention on learning. This paper details the extent to which order has deteriorated in all too many public schools -- and the magnitude of the obstacle that the problem consequently poses to quality education. Moreover, we believe that the problem of school disorder is among the most significant, and perhaps the most overlooked, civil rights issues of the 1980's.

Clearly, no raise in paychecks will increase educational quality -- or opportunity -- if the teachers who receive them are too afraid, or distracted, to teach. And improved buildings, materials, or curicula will avail nothing if students are too afraid, or distracted, to learn.

Nor, as this paper will make clear, is this a problem that Government (at any level) can solve by itself -- although improvements in law enforcement and the procedures of the schools themselves are clearly necessary. The problem's roots can be addressed only by American parents acting individually -- and collectively -- through the schools. There is, this paper details, abundant evidence that parents, and Americans in general, are concerned about school discipline and the effects of its absence. For each of the last 10 years, the Gallup Education Poll has indicated that the public's major concern over public schools has been the lack of discipline. Our citizens want order restored to the classroom and the quality of education improved. Schools must be encouraged to respond to our citizens' concern. Mobilizing such individual concern into community action is a task clearly within the President's responsibility not only to head the government but to lead the nation.

I. LEARNING DEPENDS ON GOOD DISCIPLINE

The message of education research -- and of common sense -- is clear: if the American education system is to achieve excellence, the problem of disorder in the schools must be addressed. A consistent "portrait of an effective school" has emerged from educational research. Order and discipline have been established as determining factors of a productive learning culture. In the words of one recent study:

> "The seriousness and purpose with which the school approaches its task is communicated by the order and discipline it maintains in its building... Students cannot learn in an environment that is noisy, distracting, or unsafe."

Studies done in other industrialized countries have found the same strong relationship between orderly behavior and high achievement. For example, a study of schools in London, England, found that:

> "... schools which did better than average in terms of children's behavior in school tended also to do better than average in terms of examination success ... and delinquency .... ".

Clearly, disorder and violence in our public schools are very real barriers to the educational excellence sought by the Commission on Educational Excellence and the President.

II. DISORDER IN THE SCHOOLS: HOW BIG IS THE PROBLEM?

> "Learning is impossible where behavior is disruptive."
> -- New York Times editorial, December 20, 1982.

A Nation At Risk documents the threat posed to our country by "a rising tide of mediocre educational performance." However, a mediocre academic performance may be the best we can expect from students who are afraid to attend school. Students, teachers, and taxpayers are all victims.

Students

> "Discipline problems both cause, and are caused by, a growing gap between school and home. They are exacerbated by faulty public school policies framed by students' rights advocates who have been so preoccupied with protecting the difficult child that they have failed to consider the rights of the average child to learn in a disciplined, structured place."
> -- American Federation of Teachers policy statement.

Students have a right to attend safe schools where they need not fear violence. Governor Deukmejian of California, while Attorney General of that State, gave forceful expression to this right to a safe school environment by filing a lawsuit against the Los Angeles school district charging a violation of the rights of students by compelling them to attend public schools where there is excessive violence. The suit brought by Governor Deukmejian ultimately played a major role in the overwhelming adoption in 1982 by California voters of Proposition 8 which contains, among its major features, the following provision:

> "All students and staff of primary, elementary, junior high and senior high schools have the inalienable right to attend campuses which are safe, secure and peaceful."

The California state courts have yet to construe this provision, which in the words of a recent law review article requires the courts to significantly "defer... to the school district's judgment [on issues of discipline and violence]". It is

anticipated that the provision will significantly strengthen the ability of school systems to deal with disrepectful students and outside intruders, and will "certainly be more than a mere policy statement."

The most comprehensive study of crime and violence in the America's public schools was completed in 1978 by the National Institute for Education in response to a Congressional mandate. The NIE reported that:

- o Each month 282,000 students were physically attacked in America's secondary schools.
- o Each month 112,000 students were robbed through force, weapons, or threat in America's secondary schools.
- o Each month 2,400,000 students had their personal property stolen in America's secondary schools.

According to the NIE three million secondary school children were victims of in-school crime each month, and almost 8 percent of urban junior and senior high school students missed at least one day of school a month because they were afraid to go to school.

A major 1983 study of school violence by Jackson Toby, Director of Rutgers University's Institute for Criminological Research concluded that the NIE data had probably understated the actual incidence of school violence at the time the survey was conducted ("Violence in School", Crime and Justice: An Annual Review of Research, Vol. 4).

And, a November 29, 1983 report prepared by a blue ribbon panel chaired by a retired Massachusetts Supreme Court justice, Making Our Schools Safe for Learning, also indicates that the problems described in NIE report have likely worsened over time. According to the study, four out of every ten high school students surveyed by the panel reported they had been the victims of robbery, assault, or larceny during the course of the past year alone. Moreover, an astonishing 37% of male students and 17% of female students surveyed in Boston high schools reported they had carried a weapon in school at some time during the school year -- a problem about which the panel had "no doubt" is "on the rise." In discussing the report, the Boston superintendent characterized his city's schools as safer than those in other cities.

Teachers

> "Frank Skala was teaching a ninth-grade class ... when five young intruders entered and turned his classroom into a national news event. While horrified students screamed and cried, the intruders broke the teacher's nose, threw him to the floor and stomped on him. Television shows and newspapers recounted Mr. Skala's experience as an example of the violence that could occur even in a 'good school.'"
> --New York Times, February 8, 1981.

> "You don't have time to help the best kids because you spend 25 minutes in every class dealing with the troublemakers, and you can't really deal with them ... and the kids know this. It's tough being 37 years old and dealing with 13 year-old kids who are laughing in your face."
> --Harvey Brandwein, junior high school teacher, South Bronx, New York (quoted in "Survey of Teachers Reveals Morale Problems", New York Times, November 19, 1982)

For many teachers, schools have become hazardous places to teach and definitely places to fear. Self-preservation rather than instruction has become their prime concern.

Brutal outbreaks of violence in the schools, by students and (particularly in our larger cities) intruders from the surrounding neighborhoods, are one cause of teacher fear. Examples abound:

- A New Orleans teacher watched while two boys threw a smaller child off a second-floor balcony. She was afraid to interfere because the boys might attack her.

- High school girls in Los Angeles, angry over low grades, tossed lighted matches at their teacher, setting her hair on fire. The teacher subsequently suffered an emotional collapse.

The National Institute for Education 1978 report to Congress stated that in 1978:

- Each month, 6,000 teachers were robbed in America's secondary schools.

- Each month, 1,000 teachers were assaulted seriously enough to require medical attention in America's secondary schools.

- Each month, 125,000 teachers were threatened with physical harm in America's secondary schools.

- Each month, 125,000 teachers encountered at least one situation where they were afraid to confront misbehaving students in America's secondary schools.

But again, all indications are that the problem has increased in the last five years. The percentage of teachers polled by the NEA who reported being physically attacked during the preceding year, for example, increased by 53 percent between 1977 and 1983, and the percentage reporting malicious damage to their personal property increased by 63 percent over the same period. And, according to the November 29, 1983 report on violence in the Boston school system, 50 percent of a large sample of Boston teachers who had responded to the panel's mail survey reported that they had been victims of robbery, assault, or larceny during the course of the past school year.

But as previously emphasized, the crime statistics describe merely the "tip of the iceberg". Consider the following account of a high school class observed by Carnegie Foundation researchers who prepared a recent, comprehensive review of American high schools:

> "By now the teacher is starting to get exasperated. 'We've wasted almost five minutes going over a simple rule that you are not allowed to talk or read aloud', she exclaims. But her show of impatience doesn't seem to work either, so she begins to single out the individuals and implore them to work.
>
> "Joe, get busy, she warns. Joe replies that he is busy. 'Are you being rude?' 'No, ma'am,' Joe answers. But the teacher is still not quite sure, and gives Joe a brief lecture on impudence. It is now 10:25. Almost thirty minutes of instructional time have been lost. Prose and poetry will have to wait."

Such examples are not the exception:

- The American Federation of Teachers found, in a survey of a cross-section of California schools in both urban and rural areas, that "teachers spend between 30 percent and 80 percent of their time on discipline."

- In a 1983 National Education Association poll about one in two teachers reported that student misbehavior interfered with teaching to a "moderate or great extent."

- According to the 1978 NIE report to Congress, 75 percent of surveyed teachers in big-city junior high schools reported that they had been subjected to obscenities by students during the preceding month. Even in rural junior high schools, 43 percent of the surveyed teachers reported they had been subjected to such verbal abuse.

Attempting to control daily actions of disruption and disorder under the current constraints takes its toll:

- The International Labor Organization concluded in 1981, after studying schools in the United States and two other countries, that "up to 25% of teachers suffered from severe stress that is 'significantly' affecting their health. This stress is mainly due to pupil violence." (Wall Street Journal, July 9, 1981)

- One psychiatrist who has treated many victims of teacher burnout describes it as producing symptoms identical to those found in World War I shell shock victims. This psychiatrist calls teacher burnout "a combat neurosis."

- Out of 7,000 teachers responding to a recent survey, over 85 percent answered yes to the question: "Were there chronic health problems stemming from teaching?" Twenty-seven percent of those in the sample indicated that they were victims of stress-related illness, and 40 percent said that they took prescription drugs to treat health problems resulting from teaching."

- A study of teacher burnout among Chicago teachers "painted a picture of teachers who were 'physically alive but professionally dead' ... Some teachers, who had all but depleted their stockpile of teaching vitality, were simply going through the motions of teaching, marking time until either retirement or a better job offer came along."

Ernest Boyer, Commissioner of Education in the Carter Administration, has noted that:

> "'Beaten down' by some of the students and unsupported by the parents, many teachers have entered into an unwritten, unspoken corrupting contract that promises a light work load in exchange for cooperation in the classroom. Both the teacher and the students get what they want. Order in the classroom is preserved, and students neither have to work too hard nor are too distracted from their preoccupations. All of this at the expense of a challenging and demanding education."

It thus should come as no surprise that studies repeatedly show that poor student discipline is a factor even more important than income in causing teachers to leave their profession:

- The Oklahoma City Federation of Teachers discovered that 66 percent of the city's middle-school teachers and 52 percent of all teachers have considered quitting because of the verbal and physical abuse they receive from students.

- A 1980 NEA nationwide poll indicates that teachers who experience significant problems resulting from student misbehavior are more than twice as likely to say that, had they the choice to make again, they would not become teachers.

If America's schools are to be improved, good teachers must be attracted to and held in teaching. But by imposing unnecessary stress on teachers and draining scarce resources, lack of discipline undermines both the personal and financial rewards of teaching.

Taxpayers

> "Because of concern about rising crime on school campuses, the [Los Angeles] school board voted last year to spend an extra $1 million to hire additional security guards ... at a time when other district programs were being cut because of budget restraints." (The Associated Press, May 21, 1980).

While students, teachers, and learning are the most direct victims of classroom disorder, the taxpayer is also victimized. Taxpayers pay teachers to teach, but teachers cannot because they are too busy working as police. Taxpayers buy books and

equipment and student vandals destroy them. Taxpayers pay their taxes for education, but buy burglar alarms, break-proof glass, and police patrols for the halls instead.

The NIE study statistics are again striking. It reported on a monthly basis in American schools:

- o 2,400 acts of arson;
- o 13,000 thefts of school property;
- o 24,000 incidents of vandalism; and
- o 42,000 cases of damage to school property.

The National PTA has observed that the annual cost of vandalism -- probably in excess of $600 million a year -- exceeds this nation's total spending for textbooks. And this figure does not include the escalating costs of school security. One of the recommendations of the commission appointed to study school violence in Boston was that security personnel be hired to assure safety on school buses -- in addition to those now employed to police school buildings and grounds. Vandalism and policing/security practices, however, are only one component of the bill for school violence and discipline problems -- a bill that also includes the cost of lost teacher time and the demoralization of schools and school systems.

III. MINORITIES HAVE A PARTICULAR STAKE IN RESOLVING THE PROBLEM

> "[George Washington Carver High School Principal] Hogans' believes a chaotic school setting and a permissive atmosphere can only lead to ruin and failure... So there is a preoccupation with rules and regulations at Carver... In fact, the mood on campus is one of order and decorum. There is not the edge of fear or the potential of violence that one often experiences going into large urban high schools...."
> --Sara Lawrence Lightfoot, The Good High School, p. 35.

Minorities are even more worried than whites about the lack of discipline in the public schools. This concern reflects the fact that minority students are doubly affected by violent and disruptive schools. First, they are more likely to be the victims of attack. Second, they are more likely to have their learning disrupted.

Minority students are especially likely to be attacked while at school. As the following chart makes clear, serious attacks on black, Hispanic, Asian, and American Indian students occur at a rate at least twice that experienced by white students.

Minority Victimization Rates Expressed as a Percentage of Rates for White Students

	Serious Attacks	Robbed of Over $10
Indian	200%	330%
Asian	200%	33%
Hispanic	233%	267%
Black	256%	300%

Moreover, minority students are more likely to attend a school in which discipline has broken down and learning is disrupted. Students in predominantly minority secondary schools are twice as likely to be the victims of serious crimes as students in predominantly white schools. Teachers in these schools are five times more likely to be victims of attacks requiring medical treatment and three times more likely to be robbed. White teachers who teach in predominantly minority secondary schools are seven times more likely to be attacked and need medical attention.

Polls show that over 80 percent of minorities believe disorder in the public schools to be a serious problem -- and about half consider it a very serious problem. This is a higher proportion than the white population (although about 60 percent of the white population also consider discipline a serious problem).

There is sound basis for their concern. Minority families are more likely to have children in school -- 71% of all black and 75% of all Hispanic households had school age children in 1981, compared with 52% of white households. For too many of those minority students, discipline problems have effectively stolen the tickets to upward mobility that public schools have traditionally provided -- and not solely by frustrating the achievement of academic excellence.

Moreover, urban school violence and indiscipline may be at the heart of the busing controversy which has so distorted public debate over American education and has so distracted the country from its real agenda -- for black and white children alike -- of

academic excellence. Problems of indiscipline and violence in many inner-city schools have both generated pressures for busing and correlative resistence to it; as this report will later indicate, effective programs by inner-city school administrators that restore both discipline and excellence to their schools have not only reduced pressures for busing orders but have instead generated long waiting lists of parents seeking enrollment of their children into such "turn-around" schools.

Discipline is clearly a key factor in the abandonment of urban public education for private schools (or public schools in the suburbs). The Secretary of Education's report to Congress on the financing of private elementary and secondary education reported that discipline was considered to be a very important factor in choosing their children's current school by 75.6% of public school parents who had considered other schools and 87.1% of private school parents. Among parents who had transferred children from public to private schools, discipline was the second most frequently cited reason.

The prior Commission on Civil Rights' position on the problem vindicates the Administration's concerns about the "civil rights" it advocated. Against all evidence that minorities want more discipline for their children, not separate and unequal standards, the Commission opined that:

> "Minority students are more often suspended for 'institutionally inappropriate behavior'... Thus, basic differences in culture, lifestyle, and experiences in a white-dominated society and the reluctance of the system to accomodate these differences account, in part, for the high rate of suspension for minority students."
>
> Therefore:
>
> "the cultural standards on which [disciplinary codes] are based, and whether they are fair standards for all children must be examined."

The former Commission, as well as others who have argued that school discipline is a synonym for anti-minority school policies, had the matter precisely backward: The hard-won right of minority children to an equal educational opportunity is being eroded by unsafe and disorderly schools. Permitting the current deterioration of order in the public schools to continue would be "anti-minority" in the most fundamental sense.

IV. WHAT SOME SCHOOLS HAVE DONE

"We believe that the discipline that we teach them here eventually leads to self-discipline that they will carry with them the rest of their lives ... We've been able to transform an urban high school with all the traditional ills into what we feel is one of the safest high schools in the country."
-- Principal, Detroit Southwestern High School

"When Joseph Clark was assigned as principal to Eastside High School in Paterson, N.J., he found teacher assaults, students carrying guns, drugs being bought and sold on campus, and sexual intercourse in the school's corridors and bathrooms. All that has changed ... What complex program did Joseph Clark use to bring about a learning environment at Eastside? During his first week as principal he expelled 300 of the school's 3,000 students. The word spread like wildfire that anyone that even looked crosseyed would answer to Principal Clark. Back in my day we called that kicking a certain part of the anatomy ...".
-- Walter Williams

"In my home state of California, El Camino High in Sacramento used to suffer from all the ills that plague so many schools ... Then [the principal and the Board of Education] put together a program designed to stress the fundamentals. One measure required applicants and their parents to sign a form stating in part, 'We understand that El Camino High School will ... require reasonable standards of dress; and have well defined and enforced discipline and attendance policies.' Today, achievement at El Camino is climbing ... and the school has ... a waiting list of almost 400."
--Ronald Reagan, at the National Forum on Excellence in Education, Indianapolis, Indiana; December 8, 1983

There will be discipline problems as long as there are students. The problems of school discipline, however, can be reduced to the more tolerable levels of the past. Research on schools where severe discipline problems have been "turned around" -- be those schools in Los Angeles or Atlanta or Detroit or Paterson, New Jersey -- all points to a consistent prescription for curing disorderly schools. The striking feature of the measures involved is their basic common sense. These do not require

massive spending -- only motivation and leadership. These include such simple steps as staff agreement on the rules students are to follow and the consequences for disobeying them, and involvement and support of principals and teachers in the disciplinary process.

Some jurisdictions have successfully implemented "Community Compacts" involving the juvenile courts, and local government officials in addition to parents and the schools. Where such compacts have been adopted, both discipline and achievement have dramatically improved.

The El Camino High School experience described by the President in his National Forum speech is, of course, not the only instance in which a school has adopted a rigorous student disciplinary code and has witnessed a parallel, dramatic improvement in academic achievement. The Detroit and Paterson experiences noted above also represent striking examples of what steadfastly enforced discipline codes can accomplish. The American Teacher describes the change at Southwestern High School in inner city Detroit:

> "Once one of the city's most violent, racially polarized high schools with the highest truancy rate, Southwestern is now a place where teachers can teach without fear of verbal or physical abuse, where students no longer roam the halls during classes, and where attendance has soared from around 53 percent to close to 87 percent."

And Walter Williams describes the transformation of Eastside High School in Paterson, N.J.:

> "At Eastside, where the enrollment is two-thirds black, one-third Hispanic, in the space of one year 82 percent of ninth graders passed a basic math test, compared with 55 percent the previous year. Fifty-six percent passed an English skills test, compared to 39 percent the previous year."

George Washington High School in the Watts area of Los Angeles is a similar success story. Four years ago, it was a school rampant with gangs and drugs, with a 25 percent absentee rate and one of the lowest academic ratings in all of Los Angeles County. Then a new principal was hired who demanded strict discipline, including a strict "discipline compact". Now, absenteeism has been cut to

6 percent and George Washington boasts the Los Angeles School District's biggest increase in the number of students taking SAT's. Five years ago, only 43 percent of Washington High's seniors even wanted to go to college. Last year, 80 percent actually went.

V. WHY MANY SCHOOLS HAVE DONE LESS AND OFTEN LITTLE.

There are a number of reasons for the failure of many, probably most urban schools to have effectively come to grips with the discipline problem. The reasons often reflect the lack of "will" of school officials to take action, and are often related to perceived and at times actual legal obstacles which stand in their way. Rarely does inaction result from insufficient resources.

School officials may be motivated to down-play the problem for several reasons: One reason is the fear of appearing incompetent. Public school officials in many communities may be rewarded more for functioning smoothly without public attention than for exceptional performance. Calling attention to acts of violence or disruption or dealing with angered parents or the courts are actions which at times and in many communities do not benefit school officials.

Another reason is that legal procedures prevent effective prosecution. According to Gerald Grant, author of a recent, important article in The Public Interest Magazine ("Children's Rights and Adult Confusions," Fall 1982):

> "All behavior is regarded as tolerable unless it is specifically declared illegal... A teacher was still shaking as she told us about a group of students who had verbally assaulted her and made sexually degrading comments about her in the hall. When we asked why she didn't report the students, she responded, 'Well, it couldn't have done any good.' 'Why not?' we pressed. 'I didn't have any witnesses' she replied."

Grant's account emphasizes that much of the disorder in our schools is imposed from without, often by the courts. In the above example, the teacher's need for "witnesses" to secure punishment for an outrage that would have been handled with dispatch in the not-far-distant past may result from overly timid readings of court decisions that, however troublesome, may at times have been extended beyond their original meanings by

government and school officials. Those decisions have been read as requiring schools to exhaust cumbersome legalistic procedures before imposing discipline.

In this connection, the 1983 report of Jack Toby of Rutgers University indicates a further consequence of recent developments in school discipline:

> "Individual teachers still control their classes, especially those with charisma. What has changed is that the role of teacher no longer has the authority it once did for students and their parents. This means that less forceful, less experienced, or less effective teachers cannot rely on the authority of the role to help them maintain control. They are on their own in a sense that the previous generation was not."

The Boston blue ribbon panel's report, cited elsewhere in this paper, also provides a measure of the extent to which the disciplinary process had become distorted. Until very recently, students who entered the Boston public schools received a twenty-five page document, called "The Book", which, according to Grant:

> "contains thousands of words on student rights but only eleven lines of type referring to their responsibilities. From this pamphlet, a student learns that there are five different types of suspensions and that the least serious is the short-term suspension for three days or less. Before even the latter can be meted out, a student has the right to request an informal hearing with the principal and his parents, and, if he is dissatisfied, to appeal to the community superintendent ...".

The pressures on districts to adopt such "books" come from several sources. In addition to the anti-civil rights Civil Rights Commission guidance cited above, the American Civil Liberties Union, in a widely circulated and influential document, has called for "a recognition that deviation from the opinions and standards deemed desirable by the faculty is not ipso facto a danger to the educational process." The National Education Association struck a similar note in early testimony before a Senate Committee hearing on school violence. School violence,

the then NEA president opined, was attributable to student alienation resulting from Vietnam, Watergate, and America's alleged "reliance on military force." As regards robberies of students: "Any system that perpetuates children carrying money and places those in an awkward position who do not have it to carry, requires a hard close look."

And these "students' rights" advocates have enjoyed considerable success -- often without effective oppisition -- in the courts. A number of decisions have of course actually handicapped the schools in dealing with issues of discipline -- as well as concurrent and closely related problems of student abuse of drugs and alcohol. Thus, the courts have construed existing statutes so as to permit legal actions against teachers, school administrators and school board members for personal liability in instances where disciplinary actions are taken -- as Justice Powell emphasized in the case of Wood v. Strickland (420 U. S. 308 (1975)), school officials must "now at the peril of some judge or jury subsequently finding that a good-faith belief as to applicable law was mistaken and hence actionable." The Working Group believes that review of existing statutes may be in order toward the end of further limiting potential liability of school officials exercising disciplinary authority in non-malicious fashion.

A recent New Jersey Supreme Court decision is representative of a series of court cases that have mandated a broad panoply of criminal and administrative constitutional processes to relations within school communities between administrators and teachers and their students. In one case, the court ruled illegal the search by a principal of a student locker -- based on a phone call from another student's parent, who believed the 18-year-old student was a pusher -- which turned out to contain two bags of meta amphetamine ("speed") and a package of marijuana rolling paper. Its companion case, involving the search of a student's purse in which drug paraphernalia was found was recently accepted for review by the United States Supreme Court. The Justice Department is currently evaluating whether it will enter the case as a friend of the court.

The "Student Standards and Parent Expectations" book of Watts' George Washington High School stands in sharp and effective contrast to the above. Its "book" sets forth a compact which students and their parents are required to sign. It contains such "old fashioned" standards, doubtless horrifying to many self-styled "student's rights" advocates, as these:

-- "Smoking is not permitted at any time by students on school premises. This includes the sidewalk area surrounding the school..."

-- "Radios and tape decks are not to be brought to school. Teachers are authorized to confiscate any radio carried by a student and turn it in to the appropriate Dean's Office."

-- "Loitering on campus or in front of the school at any time is not permitted... [S]tudents with Period 1 Homestudy are not to arrive on campus until time to attend Period 2... Students may not be out of class without a pass."

-- "Defiance of the authority of school personnel either by behavior, verbal abuse or gestures is not permitted."

-- "Three unexcused absences within a marking period from any class will necessitate a mandatory parent conference prior to the student's return to class."

-- "Homework is given every day and students are expected and required to complete all assignments."

The above are representative of the 28 student standards in effect at George Washington High School which have played a critical role in rescuing the school (and its minority students) from its prior condition.

American Federation of Teachers President Albert Shanker describes how the courts have often prevented schools from acting with such vigor:

> "The accused now has available to him a host of attorneys and civil liberties organizations in the exercise of his right to due process, but in most instances, the victim of the assault is left to his own devices in pressing his case. The result, time and again, is that the amateur (whether he be teacher, student, or principal) is no match for the legal experts on the other side. The assailant goes free. The teacher or student victim, if he is lucky, can transfer to another school in order to be spared the anguish of being assaulted by the same person again."

If students who commit disruptive and even criminal acts go unpunished, other students--and their teachers--have even more to fear.

VI. ACTION IS UNLIKELY, HOWEVER, UNLESS THE AMERICAN PEOPLE DEMAND IT

> "Crime in our schools must be recognized, admitted to, and faced up to before the cures will be requested and accepted. If the problems continue to be ignored, education will be the loser."
> --National Association of School Security Directors
>
> "School boards should ... require that each school keep records of the frequency of criminal offenses. Without such records, boards ... cannot effectively design and direct crime prevention policies. All too frequently, authorities become aware of danger in the schools only after an outburst of violence or after the problem has become so serious and pervasive that it simply cannot be hidden any longer."
> --Final Report (December 1982) President's Task Force on Victims of Crime.

It is clear that school administrators will continue to ignore the problem unless the public demands action -- and the evidence that the problem is being ignored is overwhelming:

- Only 1 of every 6 robberies or attacks recognized by school principals is reported to the police (NIE, Safe Schools Study, 1978).
- Over 60% of teachers who were victims of attacks felt that school principals failed to take appropriate action (NEA Teacher Poll, 1981).
- 43% of the students who attacked teachers received only the proverbial "slap on the wrist" -- or no punishment at all (NEA Teacher Poll, 1983).
- Over 75% of all principals reported that crime was little or no problem in their schools -- during the same period in which 3 million students and teachers every month were victimized by crime in America's secondary schools. According to the principals, only 157,000 illegal acts occurred each month -- two thirds of which were never reported to the police (NIE, Safe Schools Study, 1978).

The point bears repeating: According to the NIE study over 3,000,000 crimes occurred each month in America's secondary schools -- and school officials reported only 51,000 of them to police: a ratio of 58 unreported crimes for each one reported. And, again, the current situation may at best be unchanged. According to the 1983 Boston survey, the lack of confidence that wrongdoers will be punished is so pervasive that only 55% of students, and an astonishing 20% of teachers victimized by school violence reported the incidents to officials.

The President's Task Force on Victims of Crime specifically addressed this problem in its Final Report, recommending that "school boards ... set forth guidelines that make clear ... exactly which kinds of misconduct will be handled within the school and which will be reported to the police." The National PTA puts it succinctly: "Students should be punished by the law when they are involved in assaults or violence."

VII. CONCLUSION

> "I'm going to do everything in my power to call attention to the successes achieved by our educational system, but I won't hesitate to raise issues like parental choice, discipline, course requirements, and merit pay that go to the heart of our current crisis."
> -- President Reagan, Letter to the National School Board Association

School environments can be dramatically improved -- if the American people act. National concern over disorder in the schools can be translated into action. The issue of school disorder represents an opportunity for the exercise of leadership on a national problem ignored by prior administrations.

The Departments of Education and Justice

The Working Group fully supports the actions that the Departments of Education and Justice are prepared to undertake and believes that they will be effective, yet involve no Federal intrusion into the management and policy discretion of local schools or state systems. Rather, they are designed to support and defend the efforts of principals, teachers, parents and students to restore an orderly learning environment and thereby to establish a basic condition necessary for the achievement of educational excellence.

The Department of Education is prepared to exercise efforts, at its highest levels, to focus research and public attention on problems of school disorder. One of the National Institute for Education centers would conduct extensive research into the prevention of school discipline/violence problems. Other components of the Department are prepared to evaluate anti-crime activities currently underway in local education agencies and will collect and disseminate examples of effective school discipline. In addition, the Department will give greater visibility to its joint project with the National Institute of Justice to identify how local jurisdictions might better use their own resources to reduce school crime. In addition, the Department will make the records of schools in the area of discipline and crime a major factor in selecting winners in the Secretary's Exemplary Elementary and Secondary School Competition. Finally, the Department is prepared to sponsor regional hearings on school discipline to seek possible solutions and to highlight successful local efforts; this process would be along the lines of the Department's earlier, successful hearings on the findings of the National Commission on School Excellence.

The Department of Justice is prepared to file "friend of the court" briefs in appropriate cases on the side of increasing the authority of teachers, principals and school administrators to deal with school discipline problems. In addition, the Department's Office of Juvenile Justice and Delinquence Prevention will be establishing a National School Safety Center, which George Nicholson from Governor Deukmejian's staff has agreed to direct. In coordination with the Department of Education, the Center will collect and disseminate data on school safety problems and their solution. Key elements of this program will include a computerized national clearinghouse for school safety resources; and publication of handbooks and other publications apprising principals, teachers, and parents of their legal rights in dealing with disruptive students and information on successful approaches to specific discipline problems.

The President

The Working Group believes that it is ultimately the President alone who can play the critical role in restoring to our nation's schools the ability to reverse what past misguided attention, and tragic inattention, have wrought in the area of school discipline and violence.

The public has been concerned about the declining quality of American education for several years. But only in the past few months has this concern been translated into vast efforts at

reform and self-examination at the state and local levels; i.e. after the President raised the issue and called for action. There is hardly a school educator, including those who disagree with various aspects of the President's policies, who is not grateful to the President for having used the powers of the Office to focus national attention on the critical problem of excellence in American education. Florida Governor Robert Graham, a Democrat, recently applauded the President as "as facilitator and a prodder" in sparking local action on tougher performance standards for teachers and students, merit pay, and related issues.

The problem of school disorder has likewise been a matter of deep concern to the public for many years. And the initial reaction to the President's remarks in Indianapolis demonstrates that Presidential leadership can play the same vital role in fostering long overdue action to insist on order and discipline in our nation's schools.

This is an Administration that, at its best, is characterized by commitment to fundamental ideas and themes; it is therefore less prone to settle for the easy Washington substitute of a costly federal program in order to display leadership and prove its worth. Negative correlations between dollar expenditures and educational excellence have led the Administration, properly, to be skeptical about the efficacy of yet another set of costly federal programs as a means of raising educational opportunity for all, particularly for the poorest and most disadvantaged American students.

Whatever the merits of the budget debate, however, the Working Group believes that Presidential leadership in restoring the authority -- and, thereby, the professional status -- of teachers, principals and school officials is a necessary condition for the achievement of educational excellence.

A recent issue of Contemporary Education Magazine put the issue well:

> "The issue in the 1980's no longer centers on whether or not violence in American schools is serious; the issue no longer centers on whether violence is increasing or decreasing; the issue no longer centers on technical anomalies concerning under-or-over reporting of incidents. In the decade of the 1980's, the primary issue before large proportions of our urban schools (and sizeable numbers of our suburban and even rural schools) revolves around the continued viability of American education as it existed a generation ago."

Based on our efforts, the Working Group urges the Administration and, more particularly, the President to speak out and to exercise national leadership on the need to restore order and discipline to the nation's schools. We believe that there are few actions likely to offer greater promise and payoff for America's children.